THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.24661 of 1997

DATED: 15-03-2007

Between:

Pusam Venkateshwarlu.
And another.

... Petitioners.

And

Secretary to Government of A.P.,
Social Welfare (TW) Department,
Hyderabad.
And others.

... Respondents

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WRIT PETITION No.24661 of 1997

ORDER:

Wirt petition is filed for the following substantial relief:

" for the reasons stated in the accompanying affidavit the petitioners herein pray that this Hon'ble Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus declaring the action of the respondents in not considering the cases of the petitioners for absorption as regular Teachers in the G.V.V.K.Posts on part with similarly situated Scheduled Tribe daily wage Teachers on the ground that the petitioners failed to produce distance certificates is arbitrary, illegal and further declare that for the purpose of regularization or absorption of the services of the Scheduled Tribe Daily wage Teachers the Distance Certificate does not require and consequently direct the respondents to consider the cases of the petitioners for absorption as Regular Teachers in the G.V.V.K posts in any existing vacancies of various schools of Eturunagaram area of Warangal District on par with similarly situated Scheduled Tribe Daily Wage Teachers without insisting the Distance Certificates, by paying the all accrued benefits from the date of entitlement to the post of Regular teacher and pass such other order or orders as this Hon'ble Court may deem fit and proper."

At the hearing learned counsel for the petitioners submitted that

the respondents, despite the issuance of G.O.Nos.302, 275 and 73 dated 10.7.1986, 5.11.1986 and 24.11.1989 respectively are not regularizing the services of the petitioners. From the averments contained in the affidavit and the relief sought for it is clear that the petitioners are seeking absorption against posts which are directly under the control of the Social Welfare Department of the Government of Andhra Pradesh. In view of Section 15 of Administrative Tribunals Act 1985 the petitioners cannot directly approach this Court under Article 226 of the Constitution of India without exhausting the remedy available to them under the provisions of Administrative Tribunals Act 1985.

The writ petition is therefore misconceived and accordingly dismissed as not maintainable. Liberty is however given to the petitioners to approach the A.P.Administrative Tribunal if they so desire. As a sequel to the dismissal of the writ petition, W.P.M.P.No.28734 of 1997 is also dismissed.

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C.V.NAGARJUNA REDDY,J

Dt:15-03-2007.
Mdaa.